

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Application of:

Applicant(s) : Cyphers et al.  
Serial No. : 10/669,082  
Filed: : September 23, 2003  
Title : PASSIVE FIRE PROTECTION DEVICE  
Docket : SKY 0001 PA  
Examiner : James Hogan  
Art Unit: : 3752  
Confirmation No. : 1865

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JUN 28 2005

OFFICE OF PETITIONS

## Mail Stop Petition

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile to Frances Hicks at the United States Patent & Trademark Office at facsimile number (571) 273-0025 on June 28, 2005.

John D. Reed

Reg. No. 46,506

Sir:

**SUPPLEMENTAL PETITION TO WITHDRAW APPLICATION FROM ISSUE PURSUANT TO 37 CFR 1.313(c)(1)**

The present supplemental petition replaces the original petition sent on June 20, 2005 that was objected to for failure to provide an unequivocal statement that one or more of the claims of the presently-allowed application are unpatentable. As stated in the original petition, the Applicants hereby petition the Commissioner to withdraw the above-identified application from issue. The issue fee in this application was timely paid on May 27, 2005 based on a Notice of Allowance dated March 23, 2005. The \$130.00 petition fee required by Rule 1.313(a) as set forth in Rule 1.17(h) was sent in with the original petition.

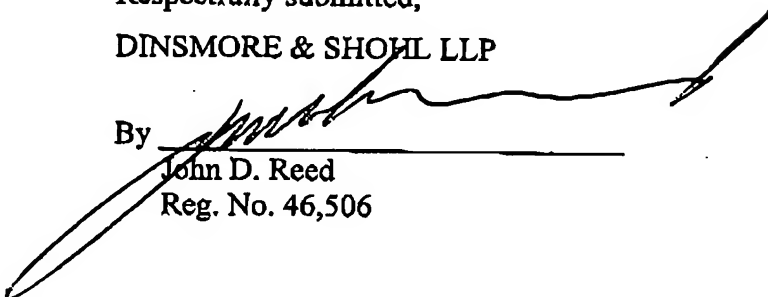
The Applicants respectfully petition that the above-identified application be withdrawn from issue, in order to permit consideration of an amendment under 37 CFR §1.312. During a recent review of the claims, the Applicants discovered that independent claim 30 included a claim recitation that lacks proper antecedent basis. Such recitation renders the claim unpatentable under 35 USC 112, ¶2 as being indefinite. Copies of the proposed amendment and

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an explanation as to how such amendment renders claim 30 patentable were submitted in the original petition sent June 20, 2005.

Accordingly, the Applicants respectfully request that this petition be granted and the above-identified application withdrawn from issue pursuant to 37 CFR §1.313(c)(1) for consideration of the proposed amendment.

Respectfully submitted,  
DINSMORE & SHOHL LLP

By   
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June 28, 2005

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**To:** James Hogan  
**Firm:** Patent and Trademark Office  
**Fax Number:** (571) 273-0025  
**Client Number:** SKY 0001 PA/41130.3  
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